

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOSEPH J. MEZYK, et al., individually, and on
behalf of all those similarly situated,

Plaintiffs,

Case No. 3:09-cv-384-JPG-DGW

vs.

U.S. BANK PENSION PLAN and
U.S. BANCORP, INC.,

Defendants.

Consolidated with:

THOMAS L. PELLETT, et al., individually, and
on behalf of all others similarly situated,

Plaintiffs,

Case No. 3:10-cv-696-JPG-DGW

vs.

U.S. BANK PENSION PLAN,

Defendant.

JUDGMENT

This matter having come before the Court, Class 1 and Class 2 having been certified, the parties having reached a settlement, and the Court having approved the settlement as fair, reasonable and adequate,

IT IS HEREBY ORDERED AND ADJUDGED that Count I brought by plaintiffs Joseph Mezyk, Mary Mulqueeney, Doris Carthy, Peggy Raymond, Shirley Chatman, Thomas Pellett, and Richard Williams, individually and on behalf of the following class certified under Federal Rule of Civil Procedure 23:

All plan participants in the Mercantile Bancorporation Inc. Retirement Plan as of January 1, 1999. Excluded from this class are Edward W. Sunder III; Louis R. Jarodsky; Eileen Chamberlain; all individuals who first participated in the Mercantile Plan during the calendar year 1998; Defendants' legal counsel (including members of Defendant's legal department); and any judge assigned to this case and any member of such judge's immediate family;

against defendants U.S. Bank Pension Plan and U.S. Bancorp, Inc. is dismissed with prejudice;

IT IS FURTHER ORDERED AND ADJUDGED that Count II brought by plaintiff Joseph Mezyk, individually and on behalf of the following class certified under Federal Rule of Civil Procedure 23:

All plan participants in the Mercantile Bancorporation Inc. Retirement Plan that were participants in the Plan as of January 1, 1999, and who were 45 to 49 years old on the date an opening balance was calculated for their cash balance accounts. Excluded from this class are Edward W. Sunder III; Louis R. Jarodsky; Eileen Chamberlain; all individuals who first participated in the Mercantile Plan during the calendar year 1998; Defendants' legal counsel (including members of Defendant's legal department); and any judge assigned to this case and any member of such judge's immediate family;

against defendants U.S. Bank Pension Plan and U.S. Bancorp, Inc. is dismissed with prejudice; and

IT IS FURTHER ORDERED AND ADJUDGED that the Settlement Fund of \$9,600,000.00 shall be awarded as follows:

- \$5,000.00 each to plaintiffs Joseph Mezyk, Mary Mulqueeny, Doris Carthy, Peggy Raymond, Shirley Chatman, Thomas Pellett and Richard Williams;
- \$2,640,000.00 in attorney's fees to co-class counsel David L. Steelman and Matthew H. Armstrong;
- \$200,000.00 in costs and expenses to co-class counsel David L. Steelman and Matthew H. Armstrong;
- \$819,496.44 to Class 2 to be distributed as set forth in Exhibit A;
- the remainder of the settlement fund to Class 1 to be distributed *pro rata*.
- any amounts that remain undistributed from the foregoing after 180 days of reasonable effort to locate a class member to The Land of Lincoln Legal Assistance Foundation, Inc.

DATED: November 5, 2012

NANCY J. ROSENSTENGEL, Clerk of Court

By:s/Deborah Agans, Deputy Clerk

Approved: s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE